



U. S. Department of Justice

United States Trustee  
Central District of California

221 N. Figueroa Street

Suite 800

Los Angeles, CA 90012-2650

Chapter 7 (213) 894-6387

Chapter 11 (213) 894-6811

FAX (213) 894-2603

Memorandum

January 22, 2002

To: To All Chapter 7 and 13 Panel Trustees

From: *L. Charmayne Mills*  
L. Charmayne Mills, Regional Assistant United States Trustee

Re: Debtor Identification Initiative

As you may recall, in November of 2000, this office issued a memo to all panel trustees requiring that photo identification be checked at first meetings beginning on January 1, 2001. This memo stated the following with respect to the new procedures:

Checking Photo Identification - Identity theft is one of the more common problems individual's experience. To combat this, we are requesting that all panel trustees begin to check the identification of the debtors who appear. This is something that most of the chapter 13 standing trustees have implemented without any significant impact on their calendars. Debtors should be required to produce a valid California driver's license, California identification card or military identification. The trustee's calendar can be noted with the identification number. For debtors with attorneys who are unable to produce identification, you may request that their attorneys vouch for the debtor's identity. Pro se debtors without identification should be continued and the debtor should be requested to return with the appropriate identification....

During the same period, the Program undertook a six month study in 18 judicial districts for the first half of 2001 that required debtors to provide proof of identity and proof of a social security number. A brief description of the pilot is attached in the form of a press release issued by the Program on January 3, 2002. Based on the results of the pilot study, the Executive Office for United States Trustees estimates that nearly 13,000 of the chapter 7 and 13 personal bankruptcy cases filed during the year ending June 30, 2001, may have contained identity and

SSN errors. This number is estimated to rise as filings rise as projected.<sup>1/</sup>

Based on these results, the Program has adopted a Debtor Identification Initiative that will be implemented in this Region at first meetings taking place on February 18, 2001. Beginning on that date, all chapter 7 and chapter 13 debtors will be required to provide satisfactory proof of their identity and correct social security numbers. Debtors must produce a **valid** state-issued driver's license, United States passport, legal resident alien card, state issued picture ID, government ID, student ID, or military ID. Acceptable proof of SSN is a SSN card, SS Administration report, a medical insurance card, IRS Form 1099, W-2 Form for the most recent tax year or pay stub, or official document which indicates name and SSN. You may also accept other official documents so long as you are satisfied that they are authentic and reliable. The §341 meeting **must be** continued to the next date if the debtor does not have the required identification. Please note that under previous procedures a debtor's attorney was allowed to vouch for the debtor's identity if the debtor did not have identification at the time of the first meeting. **This is no longer the case.** We also advised you in an e-mail that it was acceptable to accept an ID that had expired. Again, this is no longer the case as the Initiative requires that the proof of identification be **valid**. We hope to hold a training session in March that will assist trustees with reviewing valid forms of identification and recognizing counterfeit IDs. As further outlined below, you will have significant responsibility to insure that this requirement is properly implemented.

### Procedure

At the first meeting of creditors, you should ask the debtors to identify themselves for the record, administer the oath, and then require that the debtors produce satisfactory proof of their identity and social security number. You should compare the proof presented against the name and social security number listed on the petition. If a debtor does not provide you with the required proof, or if you determine from the proof presented that the name or social security number on the petition is incorrect, follow-up will be required. As an initial matter, however, the procedures recommend that trustees proceed with the ordinary business of the 341 meeting. However, when the questioning is finished, the meeting should not be concluded. Instead, it should be continued to your next scheduled meeting. [see FRBP 2003(e)]. Request on the record that the attorney for the debtor, or the debtor in a pro se case, file an amended petition with the court correcting the erroneous information and serve a file marked copy on you and the this office. In addition, request that the debtor or debtor's counsel notify the credit reporting agencies to correct the error. A sample form for this purpose is attached.

If at the continued meeting of creditors the Debtor still does not have proof of social security number or identification, or has not filed an amended petition, please announce the case is being referred to the United States Trustee for dismissal or other action. You should complete

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<sup>1/</sup>The complete Report on the Debtor Identification Pilot Program can be accessed at the U.S. Trustee Program's website, [www.usdoj.gov/ust](http://www.usdoj.gov/ust).

the attached form, "Debtor Identification Report" and return it to:

For Los Angeles trustees:	Attention Regional Unit
For Santa Ana trustees:	Attention Art Marquis, AUST
For Riverside trustees:	Attention Gary Dyer, AUST
For Woodland Hills trustees:	Attention Regional Unit - LA
For Standing Trustees LA/WH:	Regional Unit
For Amrane Cohen:	Attention Art Marquis, AUST
For Rod Danielson	Attention Gary Dyer, AUST

Do not file this form with the Court.

We appreciate your cooperation in carrying out these new responsibilities. We do not anticipate that large-scale continuations of §341 meetings will prove necessary. However, these procedures will help to insure that the credit records of innocent third parties are not adversely impacted by erroneous filings in the bankruptcy system.

Please let me know if you have any questions.

#### Attachments

cc: Maureen A. Tighe, United States Trustee  
All Assistant United States Trustees  
All Attorneys, Analysts and Paralegal Specialists



**U.S. Department of Justice**

*Office of the United States Trustee  
Central District of California*

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**PUBLIC NOTICE**

**DEBTOR IDENTIFICATION PROGRAM**

**EFFECTIVE FEBRUARY 18, 2002,  
ALL INDIVIDUAL DEBTORS ARE REQUIRED TO PROVIDE PICTURE  
IDENTIFICATION AND PROOF OF SOCIAL SECURITY NUMBER TO THE TRUSTEE  
AT THE §341(a) MEETING**

**ACCEPTABLE TYPES OF PICTURE IDENTIFICATION ("ID"):**

- Valid State Driver's License
- Government ID
- State Issued Picture ID
- Student ID
- Military ID
- U.S. Passport or Legal Resident Alien Card

**ACCEPTABLE PROOF OF SOCIAL SECURITY NUMBER ("SSN"):**

- Social Security Card
- Medical Insurance Card
- W-2 Form for the most recent tax year or Pay Stub
- IRS Form 1099
- Social Security Administration Report
- Official document which indicates Name and SSN

**NOTE:** PICTURE ID AND PROOF OF SSN MUST BE ORIGINALS, NOT PHOTOCOPIES. ONE DOCUMENT MAY BE USED FOR PROOF OF BOTH ID AND SSN IF IT CONTAINS BOTH A PICTURE ID AND THE SSN. DEBTOR(S)' ATTORNEY MAY NO LONGER VOUCH FOR THE IDENTITY OF THE DEBTOR(S). ANY ID OR PROOF OF SSN OTHER THAN THOSE LISTED ABOVE MUST BE APPROVED BY THE U.S. TRUSTEE.

**CONSEQUENCES FOR FAILURE TO PRODUCE REQUIRED DOCUMENTS:**

- The §341(a) meeting will be continued to the trustee's next calendar. Failure to produce the documents at the continued meeting may result in dismissal of the case or other official action by the U.S. Trustee.

**CONSEQUENCES FOR ERROR IN SSN:**

- An Amended Petition must be filed pursuant to Fed. R. Bankr.P. 1009 to correct any incorrect SSN. Failure to do so within ten calendar days from the creditors' meeting may result in a Motion to Dismiss pursuant to 11 U.S.C. §707(a) filed by the U.S. Trustee. Debtor shall give notice of the amendment to the trustee and to any entity affected thereby.
- Failure to correct a SSN may result in dismissal of the case or other official action by the U.S. Trustee.

**NOTICE OF CORRECTION OF SOCIAL SECURITY NUMBER  
IN BANKRUPTCY FILING**

**TO: EXPERIAN  
PROFILE MAINTENANCE  
P. O. BOX 9558  
ALLEN, TEXAS 75013**

**TRANS UNION CORPORATION  
ATTN: PUBLIC RECORDS DEPT.  
555 WEST ADAMS STREET  
CHICAGO, IL 60661**

**EQUIFAX  
P. O. BOX 144717  
ORLANDO, FL 32814**

**FROM: \_\_\_\_\_,  
Debtor**

**DATE: \_\_\_\_\_**

**INCORRECT SSN: \_\_\_\_ - \_\_\_\_ - \_\_\_\_**

**CORRECT SSN: \_\_\_\_ - \_\_\_\_ - \_\_\_\_**

Enclosed please find an amended bankruptcy petition which lists the correct social security number for the above named Debtor.

The Debtor originally filed the bankruptcy petition using an incorrect social security number. This social security number was not assigned to the Debtor and was inadvertently listed on the bankruptcy petition.

Please correct your records to indicate that the individual whose social security number is \_\_\_\_ - \_\_\_\_ - \_\_\_\_ is not the debtor in Case # \_\_\_\_\_ filed in the \_\_\_\_\_  
(Federal Judicial District)

Enclosure  
cc: Office of the United States Trustee

## DEBTOR IDENTIFICATION REPORT

Trustee: \_\_\_\_\_

Original § 341 date: \_\_\_\_\_

Continued § 341 date: \_\_\_\_\_

Debtor's Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

- ☐ Pro Se / BPP  
☐ Debtor's Counsel \_\_\_\_\_

**PROBLEM:**

- ☐ No appearance at continued § 341 meeting  
☐ No identification at continued § 341 meeting  
☐ Identification does not match debtor's name  
☐ No proof of social security number  
☐ Incorrect social security number on petition \_\_\_\_\_  
Correct social security number: \_\_\_\_\_

**Social Security Documentation:**

- ☐ social security card      ☐ W-2 form  
☐ pay stub      ☐ other: \_\_\_\_\_

**Identity Documentation:**

- ☐ driver's license      ☐ State picture ID  
☐ U.S. passport      ☐ legal resident alien card  
☐ other: \_\_\_\_\_

**Explanation for Incorrect Number:**

- ☐ attorney received wrong SSN      ☐ typographical error  
☐ other: \_\_\_\_\_

**Action to be Taken by Debtor within 10 Days:**

- ☐ amend petition      ☐ file Motion to Dismiss Case  
☐ notify credit reporting agencies      ☐ other: \_\_\_\_\_

**Trustee Comments for UST:**

- ☐ monitor only  
☐ additional investigation recommended  
☐ other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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